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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 RIDDLE & ASSOCIATES, P.C., Utah
12 Corporation,

Plaintiff,

13 vs.

14 HEIDI MORCOS, an individual,

15 Defendant.

CASE NO. 07cv1361 WQH (NLS)

ORDER

16 HAYES, Judge:

17 On July 25, 2007, Plaintiff filed the Complaint (Doc. # 1). On February 21, 2008, this Court
18 issued an Order (Doc. # 3) which states:

19 This Order constitutes notice to Plaintiff that the Court will dismiss this action without
20 prejudice on or after 3/17/08, unless, no later than that date, Plaintiff files either (1)
21 proof that the service of the summons and complaint was timely effectuated *or* (2) a
22 declaration under penalty of perjury showing good cause for failure to timely serve the
23 Defendant with the summons and complaint accompanied by a motion for leave to
24 serve process outside of the 120 day period.


25 To date, Plaintiff has not filed proof that the service of the summons and complaint was timely
26 effectuated, or a declaration showing good cause for failure to timely serve the Defendant with the
27 summons and complaint. In light of Plaintiff's failure to show cause why this action should not be
28 dismissed pursuant to the Court's February 21, 2008 Order, the Court concludes that dismissal of the
above-captioned action without prejudice is appropriate.

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1 IT IS HEREBY ORDERED that the above-captioned action is **DISMISSED without**
2 **prejudice.**

3 DATED: May 7, 2008

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5 **WILLIAM Q. HAYES**
6 United States District Judge
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